

Identifying Financial Disclosure Report Filers

According to 5 C.F.R., Part 2634, Subpart I (1992), as amended, 58 Fed. Reg. 38911 (July 21, 1993), certain employees are required to annually submit an Executive Branch Confidential Financial Disclosure Report. This report is a safeguard for the employee as well as the Government. It provides a mechanism for determining actual or potential conflicts between an employee's public responsibilities and his/her private interests and activities. The filing requirement applies to any employee or officer in a position classified at or below GS-15, 0-6, or comparable pay rates, **whose position has duties which require "personal and substantial participation" through making decisions or exercising significant judgment** involving one or more of these Government actions:

- (1) Contracting or procurement;
- (2) Administering or monitoring grants, subsidies, licenses or other Federally conferred financial or operational benefits;
- (3) Regulating or auditing any non-Federal entity;
- (4) Performing other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity; or
- (5) Other responsibilities involving a high risk of conflict of interest, such as investigating or prosecuting violations of criminal or civil law.

Positions being designated should be limited to those pay grades where the duties and responsibilities clearly make filing necessary and relevant. Therefore, **you should identify employees in positions at GS/GM-13, 14, and 15 and Commissioned Officers 05 and 06.** Employees below those grades can be included, but should be generally excluded from filing because there should be a substantial degree of supervision and review over their positions.

In identifying filers, please consider the Office of Government Ethics Standards of Conduct definition of "personal and substantial participation":

- To participate personally means to participate directly. It includes the direct and active supervision of the participation of a subordinate in the matter.
- To participate substantially means that the employee's involvement is of

significance to the matter. Participation may be substantial even though it is not determinative of the outcome of a particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to a matter, but also on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial.

“Personal and substantial participation” may occur when, for example, an employee participates through decision, approval, disapproval, recommendation, investigation or the rendering of advice in a particular matter.

Also, all Senior Biomedical Research Service (SBRS) employees are now required to file the OGE 450. Please include their names on the Financial Disclosure Report (OGE Form 450) Filers List.

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